



State of Delaware
Commission on Forensic Science

Minutes - 6/11/18

10:00 am – 12:00 pm

DFS – 1st Floor Conference Room, 200 South Adams Street
Wilmington, DE 19801

1. Welcome, Call to Order, and Introductions

- The meeting was called to order by Chair, Chief R.L. Hughes. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Krystal Hans, PhD	Assistant Professor - Delaware State University
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Secretary Kara Walker	Department of Health & Social Services

Non-voting Attendees

Commission's Legal Support

DAG Caroline Cross	Department of Justice (substituting for DAG Lisa Morris)
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Additional Non-voting Attendees

Jamie Armstrong	DFS - DNA CODIS Administrator
Johna Esposito	DFS - Quality Assurance Manager
John Evans	DFS - Director
Melissa Hukill	DSP – Homicide Captain
Isabella Kaplan	DTI - Customer Engagement Specialist
Christopher M. Klein	DSHS - Deputy Principal Assistant
Laura Nichols	DFS – Laboratory Technician-Toxicology
Amrita Lal-Paterson	DFS – DNA Technical Leader
Katharine Pope	DFS – Forensic Investigator
Robin Schier	ODS – F.N. Intern
Jessica Smith	DFS – Chief Forensic Toxicologist
Julia Vekasy	DFS – Chief Forensic Investigator
Rebecca Walker	DFS -- Chief Operating Officer

Absent Voting Commission Members

Major Daniel Meadows	Delaware State Troopers Association
Senator Robert Marshall	Delaware State Senate
Representative John Mitchell	Delaware House of Representatives
Anita Symonds, RN	Christiana Care

2. Approval of the Minutes

- Chief Hughes asked for a motion to approve the minutes from the last Commission meeting. Secretary Coupe said that before a motion to approve is made, he would like it noted in today's meeting minutes that on page 8 (the next to the last paragraph of the 4/9/18 minutes) regarding social media policy, a very broad answer was given and it should be clarified. The Secretary then asked Director Evans to provide a more specific explanation. Director Evans said specifically, as it relates to the social media policy, there is not only a department-wide policy but, as a division, DFS has its own internal policy as it relates to social media which was not clearly spelled out in the referenced paragraph. Secretary Coupe then moved forward with a motion to approve and DAG Axelrod seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of April 9, 2018 meeting.

3. DFS Director's Report

- **Staffing:**
 - As reported at our last meeting, **Kheli Wiltse** joined the DFS team as a Forensic Evidence Specialist on April 16th and DFS is proud to report that Kheli just successfully completed her moot court competencies in both DNA and Controlled Substances evidence submission and control processes.
 - Just today, 6/11/18, DFS welcomed **Saranya Poosamani**, who joined the team as a casual seasonal DNA Lab Technician.
 - **Patty Tanner** (Office Manager in Georgetown) has tendered her resignation effective June 22nd. Patty has taken a position as a Paralegal III with the Delaware State Parks. Patty has been with us for just over one year and has done much to organize the office function in Georgetown. DFS will certainly miss her and wish her the best in her new endeavor.
 - **Robyn Quinn** (Lab Manager II in the Forensic Chemistry Unit) has submitted a letter of resignation with her intention to resign on June 28th. While happy and proud to report that Robyn has taken a position as a Lab Director in North Dakota, it is very sad to see her leave. Robyn has been a dedicated state employee providing her expertise in both the DNA and Forensic Chemistry Units for over 23 years. Robyn was instrumental in moving the Forensic Chemistry Unit forward after the scandal in 2014 with her expertise in lab accreditation standards and her effective case management to the point where the Unit now has a near zero backlog in cases. Robyn also had oversight of the hiring and training of 10 new chemists in the unit. Director Evans asked that in the Commission minutes it be reflected that DFS is extremely grateful for Robyn's many years of dedicated service and wish her nothing but the best in her new opportunity as a Lab Director.
 - Chief Hughes concurred with Director Evans sentiment and said he is well aware of Robyn's tenacity and how she is very detail oriented. He said he had the opportunity to work with Robyn in the past and that she will make a great Lab Director; our loss is their gain.

- DAG Axelrod said, on a personal note, he would like to take a moment to recognize Robyn Quinn also. He said he worked closely with her during the transition of testing from the NMS facility back to DFS. He appreciates her efforts putting a plan in place and making it work.

- **Forensic Chemistry Unit:**

- The FCU continues to be very effective in its case management with an extremely low number of cases in backlog. (9: not started (assigned) 20: in process 13: technical review). In addition, the current turnaround times continue to be well within acceptable limits (approximately 15 days from submission to the litigation package upload).
- In early May, the FCU made one large step closer to bringing Fire Debris Analysis back under the DFS roof after meeting with the State Fire Marshal, who agreed to provide funding for the purchase of a new GC-MS. This new instrument will be primarily focused on the forensic analysis of evidentiary materials collected from fire scene investigations. There is a significant cost associated with the purchase of a new GC-MS and Director Evans expressed his thanks to the Office of the State Fire Marshal for their support.
- In July, DFS will be sending a second chemist to the ATF for training in fire debris analysis. This will allow us to perform peer reviews.

- **DNA Unit:**

- There was a total of approximately **27 CODIS hits** or matches both at the local and National level since our last meeting. Twenty-one of those hits were as a result of the Sexual Assault Kit Initiative (SAKI).
- The DNA Unit has not only seen a 20% uptick in the number of cases being submitted, but also in the number of exhibits or samples which are being requested for testing and analysis. This combination results in an increased workload and if the current trend continues, could present a challenge with current staffing levels and increased operational costs beyond what is budgeted.
- Director Evans stated, as he has before, despite the increased workload, the dedicated and hardworking team in DNA continues to complete casework within acceptable turnaround times (*submission to completion-67 days*).

- **Toxicology Unit:**

- As reported in the past, the Tox Unit was awarded a grant from OHS to expand the ELISA panel. (Enzyme-Linked Immunosorbent Assay). Thanks to Jessica Smith and her team in the Tox Unit, the review and approval of the project has been completed, as well as the SOP. Again, the result of this project is the addition of 7 drugs or drug classes to the initial 12 drugs on the drug panel used in the initial presumptive drug screen.

- On April 27th, **Laura Choquette** (casual/seasonal Laboratory Tech in Tox) successfully completed her mock trial testing. Laura graduated from the UD in May and is now in the process of transitioning to a casual seasonal analytical chemist position.
- As with the other units, the Tox Unit continues to see an uptick in caseloads and also like the other units, thanks to the dedicated team in Tox, they are able to keep their turnaround times at an acceptable level. *(39 days for DUI's and 43 days for post mortem cases).*
- On May 30th and 31st, the Tox Unit had its American Board of Forensic Toxicology Reaccreditation Inspection by two outside inspectors. The process involved the submission of an application containing over 700 pages and two intense days of an on-site inspection and thorough review of documents and files. Although the final report has not yet been received, the inspectors were very impressed with the Unit's documentation and paperless workflow. However, they were concerned that not all of the extractions and lab procedures were being performed under a fume hood and noted that our current caseload suggests the need for additional resources both in terms of instruments and personnel.
- **Medical Examiner Unit:**
 - On April 25th, representatives from DFS attended the Child Death Accountability Commission & Child Death Review Commission Annual Meeting. During the day-long meeting, DFS was recognized several times for the work done in child death management, noting an increase in doll re-enactments as part of the investigations, as well as the collection of biological samples for the national repository.
- **Morgue Renovation Project:**
 - At the last meeting, it was reported that the off-site location to be used during the project had changed to the Bissell campus. As of today, the temporary refrigeration unit has been delivered to the site and appears to be functioning appropriately. Security cameras and an intrusion alarm have been added to the building as well. At this point, DFS is waiting for Facilities to complete some modifications to the floor of the cooling unit itself, after which, the facility will be ready to go.
 - Since our last Commission meeting, a pre-construction meeting was held during which time a start date of July 9th was identified to begin the construction phase of the morgue renovation. This project has been long in coming, but it looks like it is finally ready to move forward.
 - As previously noted, shutting down the Wilmington morgue during the project will have a significant operational impact, as all autopsy functions will now shift to our Georgetown Office. A media release and formal notifications will be made to our affected partners, including the DOJ, LEAs and the Funeral Home Association, as well as the neighboring residents and County and State Representatives. Everyone will be advised that DFS will be using the Bissell location on a temporary basis during the project.
 - The emergency generator replacement work continues as well, and in fact, the contractors are beginning the process of placing the new generator on the concrete pad behind the building today.

- **Other Points of Interest:**

- At the last meeting, it was reported that DFS was continuing to move forward with the Narcan® initiative and as of today, the DFS “at risk” team members have been trained in both CPR and in the use of Narcan®. Furthermore, Narcan® dosages have been placed in the Tox and Forensic Chemistry Labs, as well as in the Morgue area. We are awaiting the signing of SB 147, before we assign Narcan® to our Forensic Investigators. The bill SB 147 includes codes relating to exemptions from liability for those rendering emergency care. Specifically, language in the bill is being amended to include anyone responding in a public safety capacity to include our investigators.
- On April 17th, official notification was received that DFS successfully completed the surveillance assessment conducted by an outside assessor from ANAB (*ANSI-ASQ National Accreditation Board*), which is a lab accreditation board. As a result, ANAB has approved the continuation of our accreditation. A special thank you to Johna Esposito, who coordinated and facilitated the assessment process.
- Director Evans reported that last week he attended the Senate Elections & Government Affairs Committee Meeting at Leg Hall to entertain questions related to SB 214. In this bill, we are asking that the period of time for the M.E. to complete a written report be extended from 30 to 90 days. In addition, DFS is asking that “Next of Kin” definitions be added to the entire Chapter 47 of Title 29 as opposed to only the cornea and eye banks section as it currently is written.
- In continuing efforts toward community outreach, DFS will be welcoming three college students as interns this summer; 1 each in the DNA, TOX and ME units.
- Director Evans concluded his report by informing the Commission that for the past several weeks DFS has been involved in “spring cleaning”. He thanked all DFS teams for cleaning their office and lab spaces. Along with the spring cleaning effort, DFS was also finally able to get the front gardens weeded and mulched. Director Evans said these efforts are important and promote a happy and healthy work environment.
- Director Evans asked if there were any questions concerning his report.
 - ODS Lisa Schwind asked when the ABFT report will be issued; it’s been two weeks now since the inspection. Johna Esposito, DFS Quality Assurance Manager, said that the report should be issued soon; however, ABFT has moved under ANAB and there has been some upheaval in their system, so it might take a little while longer.
 - Chief Hughes asked about the initial ABFT report finding regarding the TOX fume hoods. Director Evans said DFS has been holding ongoing discussions concerning that topic. Director Evans questions this particular notation as TOX has been assessed previously by ASCLD, ANAB, and it is the second time by ABFT, yet this has not been brought up previously. He said there is significant costs associated with the installation of fume hoods – approximately \$100,000 for our work stations. However, he has asked Jessica Smith to look into working with OHS, who have provided grant opportunities in the past, to assist us with this endeavor. DFS is eager to know whether this is a standard required across the country or just a recommendation noted by these two assessors.

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- Chief Hughes said he would like to go back to the DNA piece of Director Evans' report where it was noted that there has been a 20% increase in number of submissions. He believes, in large part, it is due to DNA's success and the fact that turnaround times have greatly improved. He noted discussions held among the State's Police Chiefs have indicated that the first thing they think of during evidence collection is DNA evidence. He said the unit is working well but that will drive more business; as DNA becomes even more successful, the unit will have even more work come in. And that, said Director Evans, would be a concern because although our turnaround times remain at very acceptable levels, an increase in the number of cases and also an increase in the number of samples law enforcement agencies are asking to be performed would be an increased draw on time, DFS staffing, materials and instruments and some of that may be over budget. DAG Axelrod asked DNA Technical Leader, Amrita Lal-Paterson, for the time period covered which showed the 20% caseload increase. She replied it was from May 2017 to May 2018.

4. Standards & Certifications Advisory Committee

- Johna Esposito stated that a preliminary report was e-mailed to Commission members and a copy is provided to each member today. She explained that the committee is researching initiatives to attract and retain the best qualified candidates for technical positions at DFS. The information offered today is a preliminary report on several possible justifications and initiatives. Because the data gathered to support these requests changes from year to year, we would like to know which initiatives, if any, the Commission is most likely to act upon in the near future. Ms. Esposito said that what they would like to hear from the Commission today is: a) are there any items in the report specifically needing more information; b) what information would be most helpful; c) what would be the "need by" date; and, d) is there anything missing or needing to be presented in a different way. The committee will then be able to focus its data gathering efforts to bolster the preliminary data and provide the most relevant information for that initiative.
- Ms. Esposito then reviewed the following points of the report:
 - Capturing of Statistics on Retention Rate of DFS Employees
 - Bringing Attention to Consequences of Resignation
 - Gathering of Salary Data for Nearby and/or Similar Laboratories
 - Development of Extended Career Ladders with Tiered Pay
 - Argument for DFS-Specific Positions
- DAG Axelrod suggested the committee might find a way to quantify the retention rate; saying such and such is the retention rate and then actually equating that with the "dollars lost" amount; i.e., if 50% of DFS lab techs leave, it costs DFS six months of time and \$40,000 in sending employee for training, plus the cost of having someone assigned to perform their mock trials, etc., and show the real cost of losing an employee. Chief Hughes agreed and said short retention times also present a "double whammy", DFS is not only paying for the training but also paying their salary while they attend training. He said that with short retention rates, DFS does not see any benefits from all the time and money spent. Director Evans noted that the committee should be careful and sensitive to the fact DFS has a relatively small workforce so the numbers, therefore, can be skewed. He also thinks it would be interesting to take a deeper look into why are we losing people. For example, is it due to salary, relocation, promotion, other job opportunities, etc., so that we get a more accurate picture of the retention percentage and why we are losing people.

- Along the lines of the salary data, in seeing salaries from other agencies, Chief Hughes noted that it would be interesting to learn whether they are “union” or “non-union” shops. He said the salary portion should get away from ranges; the numbers need to be very specific.
- Chief Hughes said that with the career ladder segment of the report, there needs to be more steps but each should have something specific the chemist does in order to achieve the next step, i.e., some level of training or education should be required and completed on their own, or state-sponsored training. Also, he said, perhaps DFS could use a title such as “Forensic” chemist instead of the generic analytical chemist because he thinks there needs to be a clear distinction for the chemists who work here. A lengthy discussion then ensued about how the career ladder might be framed.
- Secretary Coupe shared that this conversation is occurring all across the State. He said the Governor is concerned about this exact situation where state employees work here, obtain expertise in their field here, and then the state is not able to retain them. The Department of Human Resources has been assigned to work on this and an RFP has already been generated. HR will contract with someone to come in and, basically, evaluate all divisions, all positions, salaries, training, technical expertise required, etc. The Secretary said this discussion here today is very timely.

5. Strategic Planning Advisory Committee

- DAG Axelrod said the committee has not met since the last Commission meeting so there is nothing new to report. However, he said, with the issue of the DFS Annual Report, the committee now has a place to start and they plan to meet in the near future.

6. Commission’s Purpose and Objectives for 2018

- Chief Hughes said some new objectives for the Commission were brought up today regarding Toxicology requirements and those items conveyed in the Standards & Certification Advisory Committee’s report. He said it must be determined what role the Commission will play in trying to help advocate for these objectives at Legislative Hall. Chief Hughes thinks now is a good time to start this process as the current legislative session is winding down and will not be in session again until January. Secretary Coupe agreed and said that our legislative representatives on the Commission would also become more available during this period.

7. Commission Members Open Discussion

- Secretary Walker agreed that staffing concerns are huge and dovetail with some of the other statewide efforts that are underway. She said the report presented by Ms. Esposito was quite thorough and should be well received. Secretary Walker acknowledged that the DFS renovations currently in progress are vital, and it is really important to be thinking about the next phase and what capacities will be necessary. She stated that it is also important to continue to underscore how we can best share data, addressing common issues across the agencies such as the current opioid epidemic, violence, public health concerns, etc.

- To Secretary Walker's last point regarding data sharing, said Director Evans, he asked COO Walker to speak about a new initiative wherein DFS is trying to integrate and share data with the State's Prescription Drug Monitoring Program (PMP). COO Walker explained that through the ESSOS grant, DFS was able to set a little money aside for this project in which DFS is working with DTI and the Department of Professional Regulations (DPR) to provide decedent information from the DFS FLIMS system to the PMP system. She said there are a lot of technical issues to resolve in order to allow two different system providers to talk to each other but when this happens, the information transfer will ensure that prescriptions assigned to decedents can be stopped immediately so that no one can claim any prescription medicine in the name of a decedent. Secretary Walker said that a scenario can be imaged where the physician is prescribing opiates, benzos, drugs that are known for leading to higher clinical situations, etc., yet probably has no idea the patient died. She pointed out that if it happens with one person, it can happen with others, so this would be a good way to allow the provider to be alerted. Secretary Walker said everything that is being done -- from sharing data, to thinking about how to create more transparency, to thinking about how dashboards could be useful, to the development of "hot spot" maps to allow for community outreach/engagement -- all of these things will help a change occur. She believes the more we are sharing information, the better off we all will be.
- Dr. Hans remarked that as a member of the Standards & Certification Advisory Committee, she appreciates all the input everyone has given here today regarding how our committee can improve what it has been gathering and what kind of data is most useful. Just as a side note, she said, a \$400,000 NSF grant, titled CSI (Collaborative Science Initiative) Delaware, has been awarded to Delaware State University (DSU) in support of their forensic biology program. It will be used for working toward accreditation of that forensic program. She believes this will establish better connections between DSU, DFS, and other agencies and especially to help with community outreach opportunities. She expressed hope that this will lead to guest lecturers coming to DSU, more conferences, and such.
- Secretary Coupe said he is looking forward to the work that will be forthcoming from DAG Axelrod's committee (Strategic Planning Advisory Committee) as it will help Director Evans with the task of locating another facility off site and improve DFS work environment and services.
- One other thing, which was just mentioned by Dr. Hans, noted Secretary Coupe, regarding community outreach and things like that, including the partnership with DSU -- he knows from the DFS weekly reports that there is a lot of community outreach at DFS. The employees here are conducting tours and staff presentations for various schools in our community and he is proud of them. The Secretary said he was recently contacted concerning Ursuline Academy students in a special forensic program at this all-girl school. They were looking for role models in the forensic community and he referred them to Director Evans. Secretary Coupe thinks there is no better place to come to see successful women in this field than to visit DFS. He has since spoken with Ursuline's vice president and she said that such an outreach program having the high schools come and tour DFS, along with interaction with staff, makes an amazing partnership and the visit they had to DFS was awesome and inspired them all.

- ODS Schwind echoed the Secretary's comments and said she has had a couple of groups come to DFS for a tour of the facility and learn about what goes on here through staff presentations. She said she has brought today one of those forensic students who took a tour previously -- Ms. Robin Schier, who is in the process of getting her post-Master's Certificate -- she already has her doctorate.

Adjourn

- The meeting was adjourned at 11:17 a.m.

Tentative Meeting Date: Monday, November 5, 2018
DFS – Wilmington, 1st Floor Conference Room
10:00 am – 12:00 am